

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States District Court
Southern District of Texas
FILED

DEC 15 2014

W&T OFFSHORE, INC.,

Plaintiff,

v.

APACHE CORPORATION,

Defendant.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. H-11-2931

David J. Bradley, Clerk of Court

JURY QUESTIONS

JURY QUESTION NO. 1

Has W&T proved by a preponderance of the evidence that Apache failed to comply with the Production Handling Agreement by failing to properly allocate oil to W&T?

Answer "Yes" or "No."

No

If you answered “Yes” to Jury Question No. 1, then answer Jury Question No. 2. If you answered “No,” to Jury Question No. 1, do not answer any further questions.

JURY QUESTION NO. 2

Has W&T proved by a preponderance of the evidence that Apache’s failure to comply with the Production Handling Agreement by failing to properly allocate oil to W&T caused damages to W&T?

Answer “Yes” or “No.”

If you answered “Yes” to Jury Question No. 2, then answer Jury Question No. 3. If you answered “No,” to Jury Question No. 2, do not answer any further questions.

JURY QUESTION NO. 3

What sum of money, if any, would compensate W&T for the damages caused by Apache’s failure to comply with the Production Handling Agreement by failing to properly allocate oil to W&T?

Answer in dollars and cents: \$ _____

If you answered Jury Question No. 3 with a damages amount, then answer Jury Question No. 4. In doing so, please note that the court's instructions on Jury Questions No. 4 and 5 also require you to consider your answer to Jury Question No. 1. If you did not find a damages amount in answering Jury Question No. 3, then do not answer any further questions.

JURY QUESTION NO. 4

Has Apache proved by a preponderance of the evidence that W&T failed to mitigate, that is, to avoid or reduce, its damages caused by Apache inaccurately measuring W&T's production?

Answer "Yes" or "No."

If you answered "Yes" to Jury Question No. 4, then answer Jury Question No. 5. If you answered "No," to Jury Question No. 4, do not answer any further questions.


JURY QUESTION NO. 5

What amount of damages, if any, caused by Apache inaccurately measuring W&T's production could W&T have avoided or reduced through reasonable effort?

Answer in dollars and cents: \$ _____

SIGNED on December 15, 2014, at Houston, Texas.

ORIGINAL SIGNATURE ON FILE

<  Foreperson of the Jury